IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 13401 of 2007(U)

PETITIONERS:

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1. NARENDRA VARMA, AGED 53 YEARS,
   S/O. K.KRISHNA MENON, POLPULLY, PALAKKAD.

2. RAVEENDRA NATH, AGED 58 YEARS,
   S/O. NARAYANAN MOOSAD, KONAT ILLAM,
   POLPULLY, PALAKKAD.

BY ADV. SRI.D.AJITHKUMAR

RESPONDENTS:

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1. DISTRICT COLLECTOR,
   PALAKKAD.

2. TAHSILDAR,
   PALAKKAD.

3. SUPERINTENDENT OF SURVEY AND LAND
   RECORDS, COLLECTORATE, PALAKKAD.

4. VILLAGE OFFICER,
   POLPULLY, PALAKKAD.

5. POLPULLY GRAMA PANCHAYATH,
   REPRESENTED BY SPECIAL GRADE SECRETARY,
   PALAKKAD.

6. EXECUTIVE ENGINEER,
   P.W.D. ROADS AND BRIDGES, PALAKKAD.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 13401 OF 2007

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 : TRUE COPY OF THE REPRESENTATION DATED 26.03.07 SUBMITTED BY THE RESIDENTS OF THE LOCALITY TO THE RESPONDENTS.

EXT.P2 : TRUE COPY OF THE REQUEST DATED 2.4.07 MADE BY THE PETITIONERS BEFORE THE 2ND RESPONDENT.

EXT.P3 : TRUE COPY OF THE REPLY OF THE FOURTH RESPONDENT 4.4.07.

EXT.P4 : TRUE COPY OF THE REPRESENTATION DATED 10.4.07 SUBMITTED BY THE SECOND PETITIONER TO THE THIRD RESPONDENT.

EXT.P5 : TRUE COPY OF THE ROUGH SKETCH SHOWING THE CONSTRUCTION OF A ROAD THROUGH THE CREMATION GROUND.

EXT.P6 : TRUE COPY OF THE PAPER REPORT PUBLISHED IN THE MATHRUBHOOMI DAILY DATED 06.04.07.

/TRUE COPY/

PA TO JUDGE

PIUS C. KURIAKOSE, J.

W.P.(C) No. 13401 OF 2007

Dated this the 11th day of September, 2007

JUDGMENT

The grievance of the petitioners is that the 6th respondent is about to construct a road through a private property which is in fact a cremation ground. I do not propose to examine the genuineness of the grievance. The 5th respondent-Panchayat has filed a counter affidavit in which it is contended that the 6th respondent is only widening an existing road which passes through an existing cremation ground. I do not propose to examine the correctness of that contention also. Ext.P4 application has been submitted by the petitioners before the 3rd respondent-Superintendent of Survey and Land Records, for correcting what according to the petitioners are mistakes in the Survey records.

The Writ Petition is disposed of directing the 3rd respondent to dispose of Ext.P4 after hearing the petitioner and after ascertaining the view of the 5th respondent Panchayat and 6th respondent Executive Engineer in the matter. Orders shall be passed as directed above on Ext.P4 at the earliest and at any rate within two months of receiving copy of this judgment. Till then the interim order passed in this case will continue.

PIUS C. KURIAKOSE, JUDGE

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